

REMARKS:

The Examiner asserts that claims 1-20 and 34-37 (Invention I) are patentably distinct from claims 21-33 (Invention II). Specifically, the Examiner states that Inventions I and II are related as combination and subcombination, and that the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and that the subcombination has utility by itself.

There are two criteria for a proper requirement for restriction between patentably distinct inventions: 1) the inventions must be independent or distinct as claimed; and 2) there must be a serious burden on the examiner if restriction is required. *MPEP 803.01*. With respect to the first requirement, the term “distinct” means that two or more subjects disclosed are related, are capable of separate manufacture, and are patentable over each other (i.e. novel and unobvious). *MPEP 802.01*. With respect to the second requirement, a serious burden on the examiner may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, or separate status in the art, or different field of search. *MPEP 803*.

Although the inventions, as defined by the Examiner, are classified in separate classes, both relate to a split tubular member configured to receive first and second knobs. It will be inefficient to prosecute these claims separately. Applicant submits that examination of all claims 1-37 would not be a serious burden on the Examiner, and respectfully requests reconsideration of the restriction requirement.

In light of the above, Applicant traverses the restriction requirement, and respectfully request withdrawal of same. Notwithstanding the traverse, Applicant elects

Invention I, comprising claims 1-20 and 34-37. In addition, Applicant elects the species of Figure 1, which includes claims 1-11, 13-18, 20 and 34-37.

It is believed that no fee is due for this submission. Should that determination be incorrect, then please debit Account 50-0548 and notify the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. C. Schrot', written in a cursive style.

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